

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ACTUS, LLC,

Plaintiff,

v.

BANK OF AMERICA CORP., et al.,

Defendants.

Civil Action No. 2:09-cv-102-TJW

**ENABLE HOLDINGS, INC.'S UNOPPOSED MOTION TO EXTEND TIME TO MOVE,
ANSWER OR OTHERWISE RESPOND TO PLAINTIFF ACTUS, LLC'S FIRST
AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

I.

NOW COMES, Defendant Enable Holdings, Inc. ("Enable") without waiving any defenses described or referred to in Rule 12 F.R.C.P., and moves the Court to extend the time within which Enable is required to move, answer or otherwise respond to Plaintiff's First Amended Complaint for Patent Infringement to and including July 17, 2009.

II.

Counsel for Plaintiff, Actus, LLC, is not opposed to this request.

III.

Enable seeks this extension of time not for delay but for good cause and so that justice may be served.

WHEREFORE, Enable Holdings, Inc. respectfully prays that the time to answer, move or otherwise respond to Actus, LLC's First Amended Complaint for Patent Infringement be extended to and including July 17, 2009.

Dated: June 10, 2009

Respectfully submitted,

/s/ Eric H. Findlay

Eric H. Findlay

State Bar No. 00789886

Findlay Craft, LLP

6760 Old Jacksonville Hwy

Suite 101

Tyler, TX 75703

Telephone: (903) 534-1100

Facsimile: (903) 534-1137

efindlay@findlaycraft.com

Attorney for Defendant Enable Holdings, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2009, I electronically filed the foregoing filing with the Clerk of Court using the CM/ECF system which will send notification of such filing via electronic mail to all counsel of record.

/s/ Eric H. Findlay

Eric H. Findlay